

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

NATHANIEL SHAW,

Plaintiff,

vs.

D. T. MARSHALL, et al.,

Defendants.

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* **Civil Action No.**

* **2:07-CV-606-ID**

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**RESPONSE TO ORDER COMPELLING PRODUCTION BY DEFENDANTS
MARSHALL, SAVAGE, SMITH AND WRIGHT**

COME NOW the Defendants D. T. Marshall, Gina M. Savage, Cassandra Smith and Sondra Wright, and in response to this Court's order, give notice to the Court that a copy of the Defendants' response filed with this Court on February 22, 2008 (attached hereto) has been mailed to the Plaintiff in care of the Montgomery County Detention Facility.

/s/Constance C. Walker

Thomas T. Gallion, III (ASB-5295-L74T)

Constance C. Walker (ASB-5510-L66C)

Attorneys for Defendants D.T. Marshall,
Gina M. Savage, Cassandra Smith and
Sondra Wright

OF COUNSEL:

HASKELL SLAUGHTER YOUNG & GALLION, L.L.C.

Post Office Box 4660

Montgomery, Alabama 36103-4660

(334) 265-8573

(334) 264-7945 (fax)

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of April, 2008, I electronically filed the foregoing with the Clerk of the Court using the **CM/ECF** system that will send notification of such filing to the following counsel:

Wayne P. Turner
Post Office Box 152
Montgomery, Alabama 36101-0152

Allison H. Highley
City of Montgomery
Legal Department
Post Office Box 1111
Montgomery, Alabama 36101

and that I caused a true and complete copy of same to be deposited in **the United States Mail**, sufficient first class postage prepaid, on this the 1st day of April, 2008, addressed as follows:

Nathaniel Shaw
Montgomery County Detention Facility
Post Office Box 4599
Montgomery, Alabama 36103

/s/ Constance C. Walker
Of Counsel

**IN THE DISTRICT COURT OF THE UNITED STATES
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RESPONSE TO ORDER OF MAGISTRATE JUDGE

COME NOW the Defendants D. T. Marshall, Gina M. Savage, Cassandra Smith and Sondra Wright, and for response to the order of the Magistrate Judge dated February 21, 2008, produce the following:

Handbook on Inmate Rules and Regulations attached hereto.

/s/Constance C. Walker
Thomas T. Gallion, III (ASB-5295-L74T)
Constance C. Walker (ASB-5510-L66C)
Attorneys for Defendants D.T. Marshall,
Gina M. Savage, Cassandra Smith and
Sondra Wright

OF COUNSEL:

HASKELL SLAUGHTER YOUNG & GALLION, L.L.C.

Post Office Box 4660
Montgomery, Alabama 36103-4660
(334) 265-8573
(334) 264-7945 (fax)

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of February, 2008, I electronically filed the foregoing with the Clerk of the Court using the **CM/ECF** system that will send notification of such filing to the following counsel:

Wayne P. Turner
Post Office Box 152
Montgomery, Alabama 36101-0152

Allison H. Highley
City of Montgomery
Legal Department
Post Office Box 1111
Montgomery, Alabama 36101

and that I caused a true and complete copy of same to be deposited in **the United States Mail**, sufficient first class postage prepaid, on this the 22nd day of February, 2008, addressed as follows:

Nathaniel Shaw
Montgomery County Detention Facility
Post Office Box 4599
Montgomery, Alabama 36103

/s/ Constance C. Walker
Of Counsel

HANDBOOK
on
INMATE RULES AND
REGULATIONS

MONTGOMERY COUNTY DETENTION FACILITY
MONTGOMERY, ALABAMA

A Division Of
The Montgomery County Sheriff's Office

D.T. MARSHALL, SHERIFF



GINA M. SAVAGE
DIRECTOR OF DETENTION

REVISED EDITION MARCH 2005

Inmate Handbook

Montgomery County Sheriff's Office

D. T. Marshall
Sheriff

Gina M. Savage
Director of Detention

The Montgomery County Detention Facility houses inmates awaiting trial and convicted inmates either serving county sentences or serving state sentences and awaiting transfer to a state penitentiary.

This handbook is intended to inform you of the rules and regulations of the Montgomery County Detention Facility and to clearly define restrictions, privileges, programs and services which will affect your stay here. It is your responsibility to read this handbook so that you may better understand how to conduct yourself.

It is necessary that you understand the basic principles which govern the management of this facility:

1. **Security is of the highest priority** - any action on the part of one or more inmates that jeopardizes or appears to jeopardize security will not be tolerated and will be dealt with quickly and firmly.
2. The safety of all persons in the Montgomery County Detention Facility, both inmates and staff, is equally important to security. All regulations of this facility are designed to promote efficiency and cooperation. Your attitude and conduct will play a major role in determining the quality and/or length of your stay, as well as the programs and services available to you. Additionally, if you are transferred to the State System, comments and recommendations by the Montgomery County Detention Facility Staff, based on your attitude, behavior, and institutional violations, will be forwarded with you. These comments and recommendations may influence your classification and affect the quality of your stay while in the penitentiary.

1. Inmate Responsibilities

A. Identification Bracelet

1. You will be issued an identification bracelet when you enter the Montgomery County Detention Facility. Your identification bracelet must be worn at all times during your stay and must be turned in when you are released from the facility. If you lose or misplace your ID bracelet, you will be charged \$10.00 for a replacement.
2. You must present your ID bracelet in order to receive canteen items, razors, mail or medications and to be given access to the library, recreation, visitation, phone calls, and haircuts. Showing your ID is inclusive of, but not limited to, these items listed.

B. Personal Cleanliness (Showing YOUR ID REQUIRED)

1. Hygienic supplies for maintaining proper personal hygiene are available for purchase through the canteen or will be given bi-weekly if indigent.
2. You should shower as often as necessary to keep your person clean and free from odors. The Facility will provide you with soap and towels for this purpose. If a fellow inmate complains about your body odor, or if a Facility officer detects such odors, you will be required to shower. If you refuse, you will be forcibly showered by an officer of the same gender. In addition, you will be subject to certain restrictions.
3. Disposable razors, toenail clippers, and fingernail clippers are provided by the Facility for your use.
4. You will be dressed in your full uniform, i.e. jumpsuit, shirt, pants, slides/shoes, when you exit the dayroom area. While you are in the dayroom, you may wear a T-shirt and pants or a T-shirt with your jumpsuit top folded down and tied around your waist.
5. You will not wear tennis shoes inside the cellblock. Tennis shoes will be worn only when you are

enroute to and from, or actively participating in, outdoor recreation.

6. You should be especially watchful for crab lice. The prevalence of vermin is much greater where groups of people live together, particularly when they come from all walks of life. You should examine yourself daily or each time you shower. Should you become infected, you should immediately notify an officer.

C. Detention Facility Property

1. Bedding, towels, jump suits, and other articles assigned to you belong to the Detention Facility. You must return them in good condition when you leave, if not, then you may be required to pay for the damage or loss you have caused. Property assigned to you cannot be transferred to another inmate.
2. Be careful not to damage plumbing or other equipment. REMEMBER, if you are found guilty of any destruction or loss of county property, after a hearing you may be prosecuted and may be required to pay for the damage or loss you have caused. Any debt incurred will remain on your account indefinitely or until paid in full.

D. Housekeeping Activities

1. You are required to clean your living quarters and share in maintaining cleanliness throughout the Facility. Your quarters will be thoroughly cleaned each morning, or more frequently if necessary. All inmates should share equally in performing these tasks. Hiring or transferring responsibilities to other inmates through devious means is prohibited. If you rebel or refuse to clean your quarters, or refuse to participate in required housekeeping activities, you will be subject to immediate disciplinary action.
2. All floors will be swept and mopped each morning, and more frequently if required.
3. All trash containers will be emptied and cleaned each morning, and more frequently if required.
4. Commodes and lavatories will be cleaned each morning.

and more frequently if required.

5. Walls will be washed as needed. No writing or drawings will be allowed on the walls, doors, floors, etc. Covering of windows, air vents or cell doors will not be allowed.
6. No trash or debris will be thrown or swept behind or under the wire doors or interconnect doors.

E.

Conduct

1. Gambling and fighting are prohibited. You must obey all Detention Facility rules and follow the detention officer's instructions. You must conduct yourself in an orderly manner with respect for the rights of staff and other inmates. If you fail to do so, you may lose the privileges which are permitted to inmates in good standing, even to the point of disciplinary segregation. You are prohibited from controlling or attempting to control the actions or behavior of staff or other inmates by threat, promise, fear, force, or any other means. You cannot ridicule, tease, harass, or molest staff or another inmate.

F.

Conduct and Work of Trustees, Work Release and Volunteer Workers

1. You will make your bed daily, your quarters will be cleaned daily, and you will be responsible for your own personal area.
2. You will shower daily and wear clean clothes.
3. You will be clean-shaven and hair will be neatly trimmed.
4. You will be allowed to keep one (1) pair of tennis shoes in your possession. You may wear tennis shoes in your cellblock or when performing your assigned duties.
5. You will not use obscene language, talk loudly, or conduct yourself in any way which will reflect discredit on the Facility or the Sheriff's Office.
6. You will not visit or enter a lock-up cellblock unless you

are on a work detail. You will not do anything for lock-up inmates except what is required in your normal duties. If you are found in a lock-up cellblock and are not on your assigned work detail, you will be subject to disciplinary action.

7. You may not be taken from the Facility on a detail except with an authorized person unless you are assigned to a work release program. You will not leave the Facility except to perform assigned duties or to accompany and assist officers in functions approved by the Sheriff, Chief Deputy, Facility Director or OIC. You will remain within sight of the authorized person at all times.
8. When you have completed your assigned duties, you will return to your quarters or to an area as directed by your supervising officer.
9. Violation of any of the above rules may subject you to disciplinary action or the loss of trusty or volunteer worker status.

Volunteer Worker

To be considered as a volunteer worker, you must be a pre-trial inmate incarcerated with non-violent charges and a low bond amount: Volunteer workers receive the same privileges as trustees. If you are interested in becoming a volunteer worker you should submit an *Inmate Request Form* to the Captain of Program Services by placing it in the mailbox located in the dayroom of your cellblock.

2. Inmate Privileges

A. Programs/Services (Showing INMATE ID REQUIRED)

- **Educational class attendance** is required for those inmates who have not graduated high school and are under the age of 18, 21 special education.
- **GED and tutoring** classes, when available, are offered on a voluntary basis.
- **Library** use is a privilege available by submitting an *Inmate Request Form* by placing it in the mailbox located in the dayroom of your cellblock. You may check

out 2 books at a time.

- NA and AA meetings, when available, are offered weekly to volunteers and court referrals.
- Substance abuse treatment programming, when available, is open to volunteers and court referrals.

**B. Religious and other Services
(Showing INMATE ID REQUIRED)**

Religious services are offered by the Facility Chaplain Monday - Friday. Requests for additional services or programs should be addressed to the Captain of Inmate Programs/Services.

C. Canteen (Showing INMATE ID REQUIRED)

You are allowed to purchase snacks, hygiene items, etc. Canteen Order sheets are collected each Sunday and

Wednesday evenings and canteen is delivered Tuesday and Friday mornings (except holidays). Money must be in your account by Friday for Tuesday delivery and Wednesday for Friday delivery.

You have three (3) days to report non-delivery of store order (not shortage). If you leave this facility prior to delivery of your order, you or a person designated by you, have three (3) days to pick-up the order. After three (3) days, all unclaimed orders will be destroyed.

MCDF DOES NOT PROVIDE FREE HYGIENE ITEMS TO ALL INMATES. INMATES WHO ARE NOT CLASSIFIED INDIGENT* WILL BE EXPECTED TO PURCHASE HYGIENE ITEMS FROM THE CANTEEN

**Indigent* - impoverished or lack of financial resources

Indigent Hygiene Pack Qualifications:

1. You must have \$2.00 or less in your canteen account to receive a Hygiene Pack.
2. You must be in an indigent status for 30 days prior to ordering to qualify for Hygiene Pack

3. If you wish to request an Indigent Hygiene Pack, you must submit an *Inmate Request Form*. *Inmate Request Forms* are collected bi-weekly on Sunday evening. Do not place this form in the dayroom mailbox

Indigent Writing Materials:

1. You must have \$2.00 or less in your canteen account and be in an indigent status for 30 days prior to ordering to receive an Indigent Writing Pack.
2. If you wish to request an Indigent Writing Pack you should submit a *Canteen Order Form*. The top portion of the *Canteen Order Form* should be completed (Location, Name, Signature, Booking Number). *Canteen Order Forms* are collected bi-weekly on Sunday and Wednesday evening. Do not place this form in the dayroom mailbox.
3. Indigent Writing Packs will be delivered when the canteen orders are delivered. You may receive only one (1) Indigent Writing Pack per week.
4. You will be charged \$1.50 for each Indigent Writing Pack you receive. In the event you have no funds or only partial funds in your account, the account will be placed in a negative balance. When funds are received, the total remaining fees will be deducted from your account.

Radios:

1. The canteen offers radios and batteries for purchase. You may have no more than 1 radio and 9 batteries at any one time.

D. Recreation (Showing INMATE ID REQUIRED)

1. The Montgomery County Detention Facility provides a recreation program for all inmates who wish to participate.
2. This program includes facilities for both indoor and outdoor recreation and equipment for various types of individual and team activities.

F. Phone Calls (Showing INMATE ID REQUIRED)

1. When you are processed into the Montgomery County Detention Facility you will be allowed to make one phone call. Care will be exercised by the OIC of the shift to ensure that you do establish telephone contact with the intended party.
2. When you enter the facility, you will be assigned a Pin Number. Memorize your Pin Number. Do not share it with anyone. The first 10 numbers you dial that are accepted calls will be the only numbers you will be allowed to call while you are incarcerated. These numbers do not include calls that are denied, calls that are blocked, etc.
3. All calls, with the exception of the initial call allowed when you enter the Facility, will be made collect to the receiving party. You must know the telephone numbers of the persons you are calling. Directory assistance is not available. Local calls will be billed to the receiving party by the telephone company at the current rate of \$2.85 for a 15-minute call. * Rates are subject to change. ***Long Distance calls will be billed at a higher rate.**
4. Telephone calls, other than those permitted at the time of initial entry into the Facility, are a privilege and not a right and may be given to those who need them and have earned them through cooperation with Facility personnel in conforming to the prescribed rules and regulations of the Montgomery County Detention Facility.
5. If you are here from the Department of Corrections, you will not be allowed the initial phone call at the time of entry.
6. For security purposes, telephone calls will be recorded and may be monitored.

G. Mail/Correspondence/Packages (Showing INMATE ID REQUIRED)**Legal Mail**

1. You have a legal right to communication, without censorship, with counsel of your choice, public officials or

3. You may be given the opportunity to participate in the recreation program Monday through Friday between 7:30 AM - 11:00 AM and 2:30 PM - 4:00 PM.

4. If you wish to participate in basketball or other games which may be played in the outdoor recreation area, you must wear tennis shoes. Tennis shoes will not be worn inside the cellblock. Tennis shoes will only be worn when you are en route to and from, or actively participating in, outdoor recreation.

- a. Tennis shoes are normally available for purchase from the canteen.
- b. Tennis shoes are not issued to you by the Facility nor are they authorized to be brought to you from outside sources.
- c. Tennis shoes are not issued free to indigent status inmates.

E. Haircuts (Showing INMATE ID REQUIRED)

1. Haircut services are provided each Tuesday by a licensed barber. You should submit a *Request for Haircut* form, obtained from the booth operator or rover, along with your *Canteen Order* form on Sunday evening.
2. You must have money in your canteen account in order to purchase a haircut. Once you submit your *Request for Haircut* form and money is deducted from your canteen account, you will not be issued a refund should you change your mind. Prices for haircuts are as follows:

a. Fade	\$8.00
b. Regular haircut	\$6.00
c. Line	\$3.00
d. Shave/Shape	\$3.00
e. Moustache trim	\$2.00
3. Indigent inmates may submit a *Request for Haircut* form one (1) week prior to jury trial.
4. Trustees will receive one (1) free, regular haircut the first Tuesday of each month when you submit a *Request for Haircut* form.

the Courts. If applicable, you will be permitted to communicate, without censorship, within reasonable limits, with the Attorney General, the Director of the Bureau of Prisons, the Pardon and Parole Attorneys, the United States Marshals, the United States District Judges, and any District Attorney or Circuit Court Judge.

2. Incoming communications addressed to you from any of the sources named above will not be subject to censorship. However, said communications will be opened in your presence by the officer/clerk delivering your mail for the purpose of checking for contraband.
3. Incoming or outgoing communication between you and your attorney (licensed to practice in the State of Alabama) will not be opened except in your presence and then only to check for contraband.
4. Your attorney is prohibited from mailing out any letter, document, or correspondence for you or any other inmate in this Facility.

Outgoing Mail

1. Normally you will be permitted to correspond with your family and friends. While awaiting trial, you may correspond with any individual you need to contact in the preparation of any defense. You are encouraged to maintain written contact with your family and friends while in the Montgomery County Detention Facility.
2. Contents of your letters shall be limited to matters of personal interest to friends and relatives. Other inmates in the Facility or Facility personnel are not to be discussed in outgoing mail. The use of profanity, threats, pornography, or diagrams of any part of this Facility is strictly prohibited.
3. Normally outgoing mail will not be opened for inspection unless there is reasonable cause to suspect it contains contraband that may affect the security of the Facility, inmates and/or staff. Such suspected mail will be opened only by order of the Director or Assistant Director, and then only in the presence of the sender.
4. Envelopes, stamps, pencils and paper supplies are avail-

able for purchase from the Canteen. If you wish to purchase writing supplies, complete a *Canteen Order Form* and submit it on the appropriate day. Handmade envelopes will not be accepted.

5. All outgoing mail must have a valid stamp affixed to the envelope. The following information must be written or printed in the upper left-hand corner of the envelope:
First and Last Name (*No initials or nicknames*)
Booking # _____ MCDF
P. O. Box 4599
Montgomery, Alabama 36103

6. You should ensure that the addresses section of outgoing mail contains full information, i.e. first and last name, street address, city, state and zip code. Outgoing mail not properly addressed will be destroyed.

Incoming Mail

1. During in processing, you may sign the Montgomery County Detention Facility *Inmate's Personal Property Envelope* (section pertaining to opening of mail) which authorizes the Sheriff or any of his officers to open all mail (with the exception of legal mail) that you may receive while incarcerated at the Montgomery County Detention Facility. If you refuse to sign the authorization, any mail addressed to you will not be accepted and will be returned to sender. This does not apply to legal mail.
2. To afford maximum privacy, incoming communications between you and any source will not be censored. However, it will be opened and examined for contraband, cash monies, money orders, business checks, dividend checks, government checks, etc. Any monies other than money orders or cashier's checks will be returned to sender.
3. Communications you receive after you have been released from the Montgomery County Detention Facility will be returned to sender.
4. The Montgomery County Detention Facility is not required to pay cost of "Postage Due" on any incoming mail. Correspondence received in this manner will be returned to sender.

5. Incoming mail should have a return name, street address, city, state and zip code. Incoming mail not properly addressed will be destroyed.
6. Incoming mail will be delivered the day after receipt, excluding weekends and holidays.

H. Reading Materials (Check Out From Library)

You are allowed to keep *three (3) books* in your possession at one time.

- 1 Religious Book
- 2 Library Books

Reading materials direct from the publisher may be allowed with administration approval.

I. Visitation (Showing INMATE ID REQUIRED)

1. You may list two (2) names on your visitation card. You may change the names the first of each month.
2. Visitation is offered seven (7) days per week, including holidays, between 8:00 AM - 11:00 AM and 6:00 PM - 9:00 PM.
3. You have two (2), 30-minute visitation periods each week. The people you list on your visitation card should call the jail and make an appointment to visit you. Each visitor may visit you for 30 minutes. Each visitor is allowed to visit only one (1) 30-minute period each week.

3. Jail Operations

A. Personal Property

You are not allowed to have valuable articles in your possession nor are you allowed to transfer clothing or other property to other inmates. Property found in violation will be confiscated and forfeited. Body jewelry and wigs are not allowed. At the time of booking, all property taken from you should be listed on the property inventory log.

Personal property may be released at any time during the

first 72-hours of admittance. After that, property may be released on your scheduled visitation day. Excess property not picked up by family or friends within 7 days of booking will be destroyed.

You will be requested to sign your property slip at the point of booking. At the point of release, again you should sign your property slip fully acknowledging the fact that you have received all the items listed on the log. The Montgomery County Detention Facility has a \$50.00 cap on its liability for any personal items. It is your responsibility to remove any personal property assessed at over \$50.00 within three (3) days of admittance. Claims for lost inmate property should be filed with Detention Facility staff upon release.

Money

Friends and relatives may deposit money orders (no cash or checks are accepted) in your inmate account Monday through Friday between the hours 8:00 AM - 4:00 PM., excluding holidays. Money orders should be made payable to MCITF. You are not allowed to have money in your possession.

Escape and Contraband

Any inmate who escapes, attempts to escape, assists another to escape, or is responsible for bringing into the Detention Facility any weapons, saws, tools, narcotic drugs, alcohol, hallucinogenic substances, or any items not approved by the Detention Facility will be prosecuted as provided by law. There will be no exceptions.

Contraband is defined as any item unauthorized by this Facility. Any authorized object that has been modified will be considered contraband. Items found to be contraband will be destroyed.

Grievance

You are entitled to voice any grievance to the Jail Administration. You are encouraged to put the grievance in writing on the *Inmate Grievance Form* and place it in the mailbox located in the dayroom of your cellblock. The Administration will give prompt and fair consideration to any grievance and will take appropriate action when warranted.

F. Food (Showing INMATE ID REQUIRED)

You will be served three meals a day. The food will be wholesome and nutritional. Since food is expensive, you must not waste it. The menus meet recommended dietary allowances, Alabama Administrative Code, American Correctional Association and Local Health Code Standards.

Uneaten food items should remain on your tray and be returned during pick-up. Hoarding of food items provided by the Detention Facility will not be allowed.

F. Medical Services (Showing INMATE ID REQUIRED)

Reasonable and customary medical treatment is available to you. Limited dental treatment is also available. You may request, at your own expense, a private physician (such as appointments will be made by this Facility and will be unknown to you and your family). Otherwise, the service will be in accordance with the Detention Facility's medical plan. You should have an opportunity to report illnesses daily through the *Inmate Request Forms*. You may refuse, in writing, health treatment and care; however, you must do so in the presence of the health care staff.

Medical Charges to Inmates

You will be charged a co-payment of **\$10.00** for all self-initiated, non-emergency medical services. However, indigent inmates will never be denied medical services.

If you are involved in an altercation that results in injury to another inmate or officer, you will be charged a medical fee for the injured inmate's or officer's medical treatment.

In the event you have no funds or only partial funds in your account, the account will be placed into a negative balance. When funds are later received, the total or remaining fees will be deducted from your account.

Upon your release from the Facility, any unpaid medical fee balance will reflect a debit on your account from the date of release. If re-incarcerated, that debit will be deducted from any future funds then deposited to your account.

G.**Searches**

Your cell, your bunk area, and your person will be subject to random searches for contraband.

You may be subject to unclothed searches under the following conditions:

1. Contact with persons from outside the facility
2. Re-entering secure area of facility
3. Legitimate penological concerns

H.**Laundry**

Uniforms and linens are washed weekly. Blankets are washed every three (3) months. The only items that should be placed in your laundry bag are:

1. 1 Uniform
2. 1 Towel
3. 1 Face Cloth
4. 2 Sheets

Do not send both uniforms to laundry on change-out day. We will not be responsible for, nor will we replace, any personal items that are lost. Do Not Place Personal Items In Laundry Bag.

Change-Out Schedule

1. 4-North, 4-South and 4-Isolation change out day is Monday.
2. 3-North, 3-South and 3-Isolation change out day is Tuesday.
3. 2-South and Medical change out day is Wednesday.
4. 2-North (D,E,F,G) change out day is Thursday.

I.**Television**

Television is a privilege, not a right. Television privileges may be given to those cellblocks that have earned them through cooperation with facility personnel and by complying with the prescribed rules and regulations of the Montgomery County Detention Facility. The television may be turned on at 6:00 P.M. and will be turned off at 10:30 P.M. Cellblocks with good behavior may receive additional televi-

sion privileges for the weekend.

J. Marriage

You will not be allowed to marry while incarcerated in the Montgomery County Detention Facility.

K. Voting

Notices will be posted in cellblocks advising you of upcoming elections. If you are a registered voter, you may request an "Application for Absentee Ballot" from the county in which you are a legally qualified voter. You will receive a ballot thirty (30) to forty-five (45) days before the election. You will be responsible for completing the ballot and mailing it to the Absentee Election Manager by the U.S. Mail.

L. Lockdowns

When a lockdown is ordered, you should immediately go to your assigned room or sit on your mattress if you are assigned to the floor. You should remain quiet and in place until further notice is given.

This facility maintains complete security lockdown of all inmates daily during the following hours:

12:30 PM - 2:30 PM
9:30 PM - 6:00 AM

The facility may maintain security lockdown at other times as needed for special security reasons.

The facility will conduct a roll call at 2:00 PM each day. You should remain quiet and in place during this roll call.

Besides the routine inmate lockdown at shift changes, afternoons, and nights, there are times when security/emergency situations dictate additional needs for inmate lockdown. ***Therefore, it is necessary that all inmates, at all times, immediately obey orders to lockdown.***

Inmates/cellblocks/dorms that refuse to lockdown immediately upon order to do so will cause that inmate/cellblock/dorm to go on 24-hour DISCIPLINARY LOCKDOWN and

lose all inmate privileges for that 24 hours (i.e. no television, no telephones, no visitation, no canteen, no recreation, no library).

Any inmate/cellblock/dorm that *continues* to be ***non-compliant during the 24-hour DISCIPLINARY LOCKDOWN*** will have the ***DISCIPLINARY LOCKDOWN*** (and loss of all inmate privileges) ***extended for an additional 24-hour period***. Inmate/cellblocks/dorms in this status will also be put on bagged meals. No inmates will be moved out of a cellblock/dorm while on ***DISCIPLINARY LOCKDOWN*** status except for security reasons. If relocated, those inmates will be on ***24-HOUR DISCIPLINARY LOCKDOWN*** whenever they are housed.

Inmates/cellblocks/dorms that are involved in incidents that threaten the security of this facility will cause that inmate/cellblock/dorm to go on 24-HOUR SECURITY LOCKDOWN and lose all inmate privileges for that 24 hours (i.e. no television, no telephones, no visitation, no canteen, no recreation, no library).

Any inmate/cellblock/dorm that *continues* to be ***non-compliant during the 24-HOUR SECURITY LOCKDOWN*** will have the ***SECURITY LOCKDOWN*** (and loss of all inmate privileges) ***extended for an additional 24-hour period***. Inmate/cellblock/dorms in this status will also be put on bagged meals. No inmates will be moved out of a cellblock/dorm while on ***SECURITY LOCKDOWN*** status except for security reasons. If relocated, those inmates will be on ***24-HOUR SECURITY LOCKDOWN*** wherever they are housed.

M. Inmates Sentenced To Department of Corrections

Inmates entering Kilby Receiving Center will wear jumpsuits furnished by the Department of Corrections. The only personal property you will be allowed to take with you will be:

- a. 1 plain gold or silver wedding band
- b. Legal materials/documents pertaining to current or pending case(s)
- c. 1 pair white tennis shoes
- d. 1 watch (valued at \$25.00 or less)
- e. 1 Bible or Koran

You should complete a *Property Release Form* in order to have the property that you cannot take with you picked up. Property not picked up within seven (7) days will be destroyed.

N. Notary Services

Notary Service is provided for Federal legal documents only at a charge of \$.50 (50 Cents) per page.

4. Violations, Penalties, Hearings

A. Minor Violations

1. Acting insolent toward personnel
2. Lying or providing a false statement to staff
3. Using abusive language
4. Participating in an unauthorized gathering
5. Being in an unauthorized area, including another inmate's cell
6. Making, possessing, or using intoxicants
7. Smoking
8. Gambling
9. Being unsanitary/untidy; failing to keep your person or quarters clean
10. Loaning property or anything of value for profit
11. Malingering or feigning an illness
12. Failure to be fully dressed anytime outside of cell or off bunk or mattress
13. Wearing any material, in any way, on the head
14. Leaning on (or over) railings or sitting on the stairs
15. Using any Facility property for unintended purpose
16. Covering air vents with paper, etc.

B. Major Violations

1. Minor violations repeated 3 times
2. Possessing unauthorized clothing
3. Burning paper or any other material for any reason
4. Possessing any items not on the approved list of items allowed to inmates (i.e. contraband such as money, jewelry, cigarettes, lighters, matches, etc.)
5. Writing on the walls, furniture, clothing, or other minor damage to Detention Facility property of less than \$50.00

6. Failing to comply with an officer's lawful order
7. Fighting
8. Attempting to control other inmates, whether through coercion, force, or threat
9. Refusing to provide a urine or breath sample upon request
10. Giving or offering any official or staff member a bribe or anything of value
11. Destroying, altering, or damaging Detention Facility property or property of another person
12. Possessing unauthorized property belonging to another person or the government (stealing)
13. Tampering with or blocking any locking device
14. Hoarding, selling, or transferring medication issued by the Detention Facility or from any source
15. Failing to stand count or interfering with a count
16. Violating rules or regulations
17. Disrupting or abusing canteen, visitation, telephone, library, classes, or recreation privileges
18. Disrupting or abusing religious, medical, or food services, or any other Detention Facility activity or program
19. Stoppage of, or placement of foreign objects or matter into toilets, showers, sinks or any other drains.

C. Serious Violations

1. Major violations repeated 3 times
2. Murder
3. Starting any fire may be considered arson and you will be charged appropriately
4. Indecent exposure (masturbating)
5. Possessing or introducing a gun or other weapon into the Detention Facility
6. Rioting or encouraging others to riot
7. Assault and battery on inmate and/or personnel
8. Practicing extortion or blackmail, demanding or receiving anything of value in return for protection against others to avoid bodily harm or under threat of informing
9. Engaging in a sexual act
10. Making sexual proposals or threats.
11. Possessing or introducing an explosive, or any object modified to be used as a weapon, chemical agent, or any type of ammunition, into the Detention Facility
12. Possessing, selling, using or introducing into the facility

3. For any serious violation, you may be denied any or all privileges for a period not to exceed 720 hours or thirty days, placed in disciplinary housing, and receive criminal charges if applicable.

Disciplinary Procedures

When staff finds it necessary to charge you with a minor, major, or serious violation of the rules of conduct, he/she should comply with the following procedures:

1. Notification of Supervisor
2. Prepare an *Incident Report* if major or serious violation (and *Use of Force Report*, if applicable)
3. Advise you of the specific violation/charges and maximum penalties
4. Schedule a Disciplinary Hearing as soon as practicable within 7 days of the offense
5. Advise you of your right to a hearing
6. If you acknowledge that you have committed the violation as charged, the Hearing Clerk may proceed to impose the applicable penalty
7. If you deny you have committed the violation, a hearing should be scheduled as soon as practicable. You should be notified of the time and place of the hearing at least 24 hours in advance of the hearing. This will give you time to prepare for your defense
8. You may appeal the decision of the Hearing Clerk within 7 days of decision notification based upon the following:

- (a) Procedural errors
- (b) Submission of new evidence
- (c) Insufficiency of a finding of evidence that proves you did not commit the prohibited act
- (d) Prejudice or other appropriate grounds

9. If you are accused of violating a serious or major infraction, you may be confined to your cell or placed in disciplinary isolation pending the hearing.

13. Violating a condition of furlough, pass, or any other conditional or temporary release (i.e. funeral, work, etc.)
14. Leaving the Detention Facility without authorization
15. Violating any municipal, county, state, or federal law
16. Counterfeiting, forging, or reproducing without proper authorization, any document, article of identification, money, security items, or official paper
17. Acting in a way that disrupts or interferes with security or orderly running of the Detention Facility (i.e. failure to lock-down/return to bunk, not returning issued razors at change-out or at release)
18. Encouraging, facilitating, or otherwise conspiring with others to commit any prohibited act
19. Escaping, attempting to escape, or planning to escape, including failing to return from an approved work release program or community activity at a designated time.
20. Stealing
21. Damaging Detention Facility property (in excess of \$50.00)
22. Attempting to intimidate or actually intimidating or controlling personnel or other individuals whether through coercion, force, or threat
23. Interfering with security operations or devices such as firearms, smoke detectors, security strips, blocking or jamming cell doors or cameras, altering or destruction of Inmate ID bracelets, etc.

Penalties for Violations

1. For minor violations, you may be verbally reprimanded if it is the opinion of the detention officer that the reprimand should prevent the infraction from happening again. Restriction of privileges may be imposed for a period up to 48 hours (two days) for a minor violation.
2. For a major violation, you may be denied any or all privileges for a period of time not to exceed 240 hours or ten days and/or be placed in disciplinary housing.

F. Hearing/Review Rules of Conduct

You must conduct yourself in an appropriate manner during the hearing. Rules of conduct must be adhered to during the hearing/review proceedings as follows:

1. Full uniforms required, worn properly
2. No headwear allowed
3. Reasonable, civilized behavior is expected
4. Using abusive language (profanity) is a violation of Facility rules; If you use abusive language at the hearing, you will be removed and the hearing continued in your absence and you may receive additional restriction of privileges for a period of up to five days. If you attempt to intimidate or actually intimidate the hearing clerk and/or witnesses, you will be removed and the hearing continued in your absence and you may be denied any and all privileges for a period of thirty days, placed in disciplinary segregation, and/or receive additional criminal charges.

5. Summary

- A. Nothing herein contained will prevent additional criminal and/or civil action against you.
- B. Violations of rules of conduct may result in loss of privileges and other disciplinary actions.
- C. In an emergency, there may be temporary modification or suspension of the rules and regulations contained in this handbook.
- D. Changes, deletions, additions, or cancellations to these rules and regulations may be made as determined by the Administration of the Montgomery County Detention Facility.